

Remarks:

Applicant has studied the Office Action dated January 19, 2005, and has amended the claims to distinctively claim the subject matter of the invention. By virtue of this amendment, claims 1 and 5 have been amended, and claim 3 has been canceled. No new matter has been added. Support for the amendments is found within the specification and the drawings, particularly on page 7, lines 12-18 of the application, as filed. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

**§103 Rejection(s):**

Claims 1-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,549,886, issued to Partalo (hereinafter referred to as "the Partalo reference") in view of December 1986 Goodman's paper (hereinafter referred to as "the Goodman reference"). The Examiner contends that it would have been obvious to combine the teaching of the Partalo and Goodman references to implement a waveform substitution technique for missing packets as claimed in claims 1-4. This rejection is respectfully traversed, with respect to amended claim 1.

Claim 1 recites an internet telephone comprising a data loss decision unit for deciding whether there is a voice data lost in the voice data packet received via the internet network and outputting the position information for the lost portion of the voice data; and a waveform recovery unit for duplicating a voice data normally received previously to the lost portion and filling the same in the lost portion of the voice data according to the position information, wherein the data loss decision unit decides a received section of the voice data packet is lost, when the level of the received section is lower than a predetermined threshold. (emphasis added)

The Examiner contends that column 5, lines 50-57 of the Partalo reference suggest an energy reduction function (170) used when a missing packet is detected. Referring to column 5, lines 57-68, column 6, lines 1-9, and FIGS. 4 and 6, the energy reduction function 170 is applied to frame 110, after detecting that frame 120 is missing. As shown, in FIG. 4, frame 110 precedes frame 120 in a packet of voice data. Thus, the energy reduction function is used to "gradually reduce the energy level" of the frame preceding the lost frame, so that a smooth audio transition is maintained.

Referring to amended claim 1, "data loss decision unit decides a received section of the voice data packet is lost, when the level of the received section is lower than a predetermined threshold." That is, a loss is detected by comparing energy level of a received section of the voice data with a threshold. If

the energy level is below the threshold then it is determine that the received section is missing. Thus, unlike the cited reference, the claim recites determining the energy level of a section of a voice data packet in order to detect a loss, rather than applying an energy reduction function after determining a loss in voice data.

Accordingly, amended claim 1 is patently distinguishable from the Partalo reference, and is therefore in condition for allowance. Claims 2 and 4 thus should be also in condition for allowance by the virtue of being dependent on an allowable base claim.

**Allowable Subject Matter:**

The Applicant wishes to thank the Examiner for finding claims 10-21 allowable. With respect to claims 5-9, as suggested by the Examiner, claim 5 has been amended to incorporate the elements of the base claim and any intervening claims. As such, independent claim 5, and the respective dependent claims 6-9 should now be in condition for allowance.


**Conclusion:**

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,  
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